

**Union Calendar No. 314**

106TH CONGRESS  
2D SESSION

**H. R. 3417**

**[Report No. 106-569]**

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**A BILL**

To complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

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APRIL 11, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1999

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

APRIL 11, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on November 17, 1999]

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## A BILL

To complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be referred to as the “Pribilof Islands*  
 3 *Transition Act”.*

4 **SEC. 2. PURPOSE.**

5       *The purpose of this Act is to complete the orderly with-*  
 6 *drawal of the National Oceanic and Atmospheric Adminis-*  
 7 *tration from the civil administration of the Pribilof Islands,*  
 8 *Alaska.*

9 **SEC. 3. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS**  
 10 **UNDER FUR SEAL ACT OF 1966.**

11       *Public Law 89–702, popularly known and referred to*  
 12 *in this Act as the Fur Seal Act of 1966, is amended by*  
 13 *amending section 206 (16 U.S.C. 1166) to read as follows:*

14 **“SEC. 206. FINANCIAL ASSISTANCE.**

15       “(a) **GRANT AUTHORITY.**—

16               “(1) **IN GENERAL.**—*Subject to the availability of*  
 17 *appropriations, the Secretary shall provide financial*  
 18 *assistance to any city government, village corpora-*  
 19 *tion, or tribal council of St. George, Alaska, or St.*  
 20 *Paul, Alaska.*

21               “(2) **USE FOR MATCHING.**—*Notwithstanding any*  
 22 *other provision of law relating to matching funds,*  
 23 *funds provided by the Secretary as assistance under*  
 24 *this subsection may be used by the entity as non-Fed-*  
 25 *eral matching funds under any Federal program that*  
 26 *requires such matching funds.*

1           “(3) *RESTRICTION ON USE.*—*The Secretary may*  
2           *not use or withhold financial assistance authorized by*  
3           *this Act—*

4                     “(A) *to settle any debt owed to the United*  
5                     *States;*

6                     “(B) *for administrative or overhead ex-*  
7                     *penses; or*

8                     “(C) *for contributions authorized under sec-*  
9                     *tion 5(b)(3)(C) of the Pribilof Islands Transition*  
10                    *Act.*

11           “(4) *FUNDING INSTRUMENTS AND PROCE-*  
12           *DURES.*—*In providing assistance under this sub-*  
13           *section the Secretary shall use funding instruments*  
14           *and procedures that are equivalent to the instruments*  
15           *and procedures required to be used by the Bureau of*  
16           *Indian Affairs pursuant to title IV of the Indian Self-*  
17           *Determination and Education Assistance Act (25*  
18           *U.S.C. 450 et seq.), so as to foster maximum flexi-*  
19           *bility in the local administration of such assistance.*

20           “(5) *PRO RATA DISTRIBUTION OF ASSISTANCE.*—  
21           *In any fiscal year for which less than all of the funds*  
22           *authorized under subsection (c)(1) are appropriated,*  
23           *such funds shall be distributed under this subsection*  
24           *on a pro rata basis among the entities referred to in*  
25           *subsection (c)(1) in the same proportions in which*

1        *amounts are authorized by that subsection for grants*  
 2        *to those entities.*

3        “(b) *SOLID WASTE ASSISTANCE.*—*Subject to the avail-*  
 4        *ability of appropriations, the Secretary shall provide assist-*  
 5        *ance to the State of Alaska for designing, locating, con-*  
 6        *structing, redeveloping, permitting, or certifying solid waste*  
 7        *management facilities on the Pribilof Islands necessitated*  
 8        *by the National Oceanic and Atmospheric Administration’s*  
 9        *administration of the islands under the Fur Seal Act of*  
 10       *1966 to be operated under a permit issued by the State of*  
 11       *Alaska under section 46.03.100 of the Alaska Statutes.*

12       “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 13       *authorized to be appropriated to the Secretary—*

14                “(1) *for assistance under subsection (a)—*

15                        “(A) *\$9,000,000, for grants to the city of St.*  
 16                        *Paul;*

17                        “(B) *\$6,300,000, for grants to the*  
 18                        *Tanadgusix Corporation;*

19                        “(C) *\$1,500,000, for grants to the St. Paul*  
 20                        *Tribal Council;*

21                        “(D) *\$6,000,000, for grants to the city of*  
 22                        *St. George;*

23                        “(E) *\$4,200,000, for grants to the St.*  
 24                        *George Tanaq Corporation; and*

1                   “(F) \$1,000,000, for grants to the St.  
2                   George Tribal Council; and

3                   “(2) for assistance under subsection (b), such  
4                   sums as may be necessary for each of fiscal years  
5                   2001, 2002, and 2003.

6                   “(d) *LIMITATION ON USE OF ASSISTANCE FOR LOB-*  
7                   *BYING ACTIVITIES.*—None of the funds authorized by this  
8                   section may be available for any activity a purpose of which  
9                   is to influence legislation pending before the Congress, ex-  
10                  cept that this subsection shall not prevent officers or em-  
11                  ployees of the United States or of its departments, agencies,  
12                  or commissions from communicating to Members of Con-  
13                  gress, through proper channels, requests for legislation or  
14                  appropriations that they consider it necessary for the effi-  
15                  cient conduct of public business.

16                  “(e) *IMMUNITY FROM LIABILITY.*—The Department of  
17                  Commerce and the National Oceanic and Atmospheric Ad-  
18                  ministration shall not have any liability under this Act as-  
19                  sociated with or resulting from the designing, locating, con-  
20                  tracting for, redeveloping, permitting, certifying, operating,  
21                  or maintaining any solid waste management facility on the  
22                  Pribilof Islands as a consequence of having provided assist-  
23                  ance to the State of Alaska under subsection (b).”.

1 **SEC. 4. DISPOSAL OF PROPERTY.**

2 *Section 205 of the Fur Seal Act of 1966 (16 U.S.C.*  
3 *1165) is amended—*

4 *(1) by amending subsection (c) to read as fol-*  
5 *lows:*

6 *“(c) Not later than 3 months after the date of enact-*  
7 *ment of the Pribilof Islands Transition Act, the Secretary*  
8 *shall submit to the Committee on Commerce, Science, and*  
9 *Transportation of the Senate and the Committee on Re-*  
10 *sources of the House of Representatives a report that*  
11 *includes—*

12 *“(1) a description of all property specified in the*  
13 *document referred to in subsection (a) that has been*  
14 *conveyed under that subsection;*

15 *“(2) a description of all Federal property speci-*  
16 *fied in the document referred to in subsection (a) that*  
17 *is going to be conveyed under that subsection; and*

18 *“(3) an identification of all Federal property on*  
19 *the Pribilof Islands that will be retained by the Fed-*  
20 *eral Government to meet its responsibilities under*  
21 *this Act, the Convention, and any other applicable*  
22 *law.”; and*

23 *(2) by striking subsection (g).*

24 **SEC. 5. TERMINATION OF RESPONSIBILITIES.**

25 *(a) FUTURE OBLIGATION.—*

1           (1) *IN GENERAL.*—*The Secretary of Commerce*  
 2           *shall not be considered to have any obligation to pro-*  
 3           *mote or otherwise provide for the development of any*  
 4           *form of an economy not dependent on sealing on the*  
 5           *Pribilof Islands, Alaska, including any obligation*  
 6           *under section 206 of the Fur Seal Act of 1966 (16*  
 7           *U.S.C. 1166) or section 3(c)(1)(A) of Public Law*  
 8           *104–91 (16 U.S.C. 1165 note).*

9           (2) *SAVINGS.*—*This subsection shall not affect*  
 10          *any cause of action under section 206 of the Fur Seal*  
 11          *Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of*  
 12          *Public Law 104–91 (16 U.S.C. 1165 note)—*

13                 *(A) that arose before the date of the enact-*  
 14                 *ment of this Act; and*

15                 *(B) for which a judicial action is filed be-*  
 16                 *fore the expiration of the 5-year period begin-*  
 17                 *ning on the date of the enactment of this Act.*

18           (3) *RULE OF CONSTRUCTION.*—*Nothing in this*  
 19          *Act shall be construed to imply that—*

20                 *(A) any obligation to promote or otherwise*  
 21                 *provide for the development in the Pribilof Is-*  
 22                 *lands of any form of an economy not dependent*  
 23                 *on sealing was or was not established by section*  
 24                 *206 of the Fur Seal Act of 1966 (16 U.S.C.*  
 25                 *1166), section 3(c)(1)(A) of Public Law 104–91*



1           (16 U.S.C. 1165 note), or any other provision of  
2           law; or

3           (B) any cause of action could or could not  
4           arise with respect to such an obligation.

5           (4) CONFORMING AMENDMENT.—Section 3(c)(1)  
6           of Public Law 104–91 (16 U.S.C. 1165 note) is  
7           amended by striking subparagraph (A) and redesign-  
8           ing subparagraphs (B) through (D) in order as  
9           subparagraphs (A) through (C).

10          (b) PROPERTY CONVEYANCE AND CLEANUP.—

11           (1) IN GENERAL.—Subject to paragraph (2),  
12           there are terminated all obligations of the Secretary  
13           of Commerce and the United States to—

14           (A) convey property under section 205 of  
15           the Fur Seal Act of 1966 (16 U.S.C. 1165); and

16           (B) carry out cleanup activities, including  
17           assessment, response, remediation, and moni-  
18           toring, related to National Oceanic and Atmos-  
19           pheric Administration administration of the  
20           Pribilof Islands, Alaska, under section 3 of Pub-  
21           lic Law 104–91 (16 U.S.C. 1165 note) and the  
22           Pribilof Islands Environmental Restoration  
23           Agreement between the National Oceanic and At-  
24           mospheric Administration and the State of Alas-  
25           ka, signed January 26, 1996.

1           (2) *APPLICATION.*—Paragraph (1) shall apply  
2           on and after the date on which—

3                   (A) the State of Alaska determines that all  
4                   responsibilities of the Secretary, the Department  
5                   of Commerce, and the United States under the  
6                   Pribilof Islands Environmental Restoration  
7                   Agreement between the National Oceanic and At-  
8                   mospheric Administration and the State of Alas-  
9                   ka, signed January 26, 1996, have been fulfilled;

10                  (B) the Secretary of Commerce has com-  
11                  pleted the cleanup required under section 3(a) of  
12                  Public Law 104–91 (16 U.S.C. 1165 note);

13                  (C) the Secretary of Commerce determines  
14                  that the properties specified in the document re-  
15                  ferred to in subsection (a) of section 205 of the  
16                  Fur Seal Act of 1966 (16 U.S.C. 1165(a)), as  
17                  amended by this Act, can be unconditionally of-  
18                  fered for conveyance under that section; and

19                  (D) the Secretary of Commerce determines  
20                  that all amounts authorized under section  
21                  206(c)(1) of the Fur Seal Act of 1966, as amend-  
22                  ed by this Act, have been appropriated and obli-  
23                  gated.

24           (3) *LIMITATION ON SEEKING CONTRIBUTIONS.*—

25           (A) After subsection (c) becomes effective and except

1       *as provided in subparagraph (C), no Federal agency*  
2       *or department shall seek financial contributions from*  
3       *any Natives of the Pribilof Islands for costs or fees*  
4       *incurred by the Secretary of Commerce for actions*  
5       *taken pursuant to—*

6               *(i) the Pribilof Islands Environmental Res-*  
7       *toration Agreement between the Secretary and*  
8       *the State of Alaska Department of Environ-*  
9       *mental Conservation; or*

10              *(ii) section 3(a) of Public Law 104–91 (16*  
11       *U.S.C. 1165 note).*

12       *(B) Subparagraph (A) applies only to the fol-*  
13       *lowing actions:*

14              *(i) The cleanup of any wastes, dumps, de-*  
15       *bris, storage tanks, property, hazardous or un-*  
16       *safe conditions, and contaminants, including pe-*  
17       *troleum products and their derivatives, left by*  
18       *the National Oceanic and Atmospheric Adminis-*  
19       *tration or any other Federal agency or depart-*  
20       *ment prior to the date of enactment of this Act*  
21       *on lands that it or its predecessor agencies aban-*  
22       *doned, quitclaimed, or otherwise transferred or*  
23       *are obligated to transfer, to local entities or resi-*  
24       *dents on the Pribilof Islands, Alaska, pursuant*

1           to the Fur Seal Act of 1966 (16 U.S.C. 1151 et  
2           seq.) or other applicable law.

3           (ii) The closure of solid waste management  
4           facilities or the designing, locating, contracting  
5           for, redeveloping, permitting, or certifying of any  
6           solid waste management facility on the Pribilof  
7           Islands.

8           (C) After subsection (c) becomes effective, the Sec-  
9           retary of Commerce may seek contribution from the  
10          responsible Natives of the Pribilof Islands for costs or  
11          fees incurred to cleanup any wastes, dumps, debris,  
12          storage tanks, property, hazardous or unsafe condi-  
13          tions, and contaminants, including petroleum prod-  
14          ucts and their derivatives, left by such Natives of the  
15          Pribilof Islands after the date of enactment of this Act  
16          on lands, except for landfills or solid waste manage-  
17          ment facilities, that the National Oceanic and Atmos-  
18          pheric Administration or its predecessor agencies  
19          abandoned, quitclaimed, or otherwise transferred or  
20          are obligated to transfer to local entities or residents  
21          on the Pribilof Islands, Alaska, pursuant to the Fur  
22          Seal Act of 1966 (16 U.S.C. 1151 et seq.) or other ap-  
23          plicable law.

24          (4) CERTAIN RESERVED RIGHTS NOT CONDI-  
25          TIONS.—For purposes of paragraph (2)(C), the fol-

1        *lowing requirements shall not be considered to be con-*  
2        *ditions on conveyance of property:*

3                *(A) Any requirement that a potential trans-*  
4        *feree must allow the National Oceanic and At-*  
5        *mospheric Administration continued access to*  
6        *the property to conduct environmental moni-*  
7        *toring following remediation activities.*

8                *(B) Any requirement that a potential trans-*  
9        *feree must allow the National Oceanic and At-*  
10       *mospheric Administration access to the property*  
11       *to continue the operation, and eventual closure,*  
12       *of treatment facilities.*

13               *(C) Any requirement that a potential trans-*  
14       *feree must comply with institutional controls to*  
15       *ensure that an environmental cleanup remains*  
16       *protective of human health or the environment*  
17       *that do not unreasonably affect the use of the*  
18       *property.*

19               *(D) Valid existing rights in the property,*  
20       *including rights granted by contract, permit,*  
21       *right-of-way, or easement.*

22               *(E) The terms of the documents described in*  
23       *subsection (d)(2).*

24        *(c) REPEALS.—Effective on the date described in sub-*  
25       *section (b)(2), the following provisions are repealed:*

1           (1) *Section 205 of the Fur Seal Act of 1966 (16*  
2     *U.S.C. 1165).*

3           (2) *Section 3 of Public Law 104–91 (16 U.S.C.*  
4     *1165 note).*

5     (d) *SAVINGS.—*

6           (1) *IN GENERAL.—Nothing in this Act shall af-*  
7     *fect any obligation of the Secretary of Commerce, or*  
8     *of any Federal department or agency, under or with*  
9     *respect to any document described in paragraph (2)*  
10    *or with respect to any lands subject to such a docu-*  
11    *ment.*

12          (2) *DOCUMENTS DESCRIBED.—The documents*  
13    *referred to in paragraph (1) are the following:*

14           (A) *The Transfer of Property on the Pribilof*  
15     *Islands: Description, Terms, and Conditions,*  
16     *dated February 10, 1984, between the Secretary*  
17     *of Commerce and various Pribilof Island enti-*  
18     *ties.*

19           (B) *The Settlement Agreement between*  
20     *Tanadgusix Corporation and the city of St.*  
21     *Paul, dated January 11, 1988, and approved by*  
22     *the Secretary of Commerce on February 23,*  
23     *1988.*

24           (C) *The Memorandum of Understanding be-*  
25     *tween Tanadgusix Corporation, Tanaq Corpora-*

1           *tion, and the Secretary of Commerce, dated De-*  
 2           *cember 22, 1976.*

3           *(e) DEFINITIONS.—*

4           *(1) IN GENERAL.—Except as provided in para-*  
 5           *graph (2), the definitions set forth in section 101 of*  
 6           *the Fur Seal Act of 1966 (16 U.S.C. 1151) shall*  
 7           *apply to this section.*

8           *(2) NATIVES OF THE PRIBILOF ISLANDS.—For*  
 9           *purposes of this section, the term “Natives of the*  
 10           *Pribilof Islands” includes the Tanadgusix Corpora-*  
 11           *tion, the St. George Tanaq Corporation, and the city*  
 12           *governments and tribal councils of St. Paul and St.*  
 13           *George, Alaska.*

14   **SEC. 6. TECHNICAL AND CLARIFYING AMENDMENTS.**

15           *(a) Public Law 104–91 and the Fur Seal Act of 1966*  
 16           *are amended by—*

17           *(1) striking the heading for subsection (d) of sec-*  
 18           *tion 3 of Public Law 104–91; and*

19           *(2) moving and redesignating such subsection so*  
 20           *to appear as section 212 of the Fur Seal Act of 1966.*

21           *(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C.*  
 22           *1161) is amended by striking “on such Islands” and insert*  
 23           *“on such property”.*

24           *(c) The Fur Seal Act of 1966 is amended by inserting*  
 25           *before title I the following:*

1 **“SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the ‘Fur Seal Act of 1966’.”.*

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4 *Section 3 of Public Law 104–91 (16 U.S.C. 1165 note)*  
 5 *is amended—*

6 *(1) in subsection (f) by striking “1996, 1997,*  
 7 *and 1998” and inserting “2001, 2002, and 2003”;*  
 8 *and*

9 *(2) by adding at the end the following:*

10 *“(g) LOW INTEREST LOAN PROGRAM.—*

11 *“(1) CAPITALIZATION OF REVOLVING FUND.—Of*  
 12 *amounts authorized under subsection (f) for each of*  
 13 *fiscal years 2001, 2002, and 2003, the Secretary may*  
 14 *provide to the State of Alaska up to \$2,000,000 per*  
 15 *fiscal year to establish and capitalize a revolving*  
 16 *fund to be used by the State for loans under this sub-*  
 17 *section.*

18 *“(2) LOW INTEREST LOANS.—The Secretary shall*  
 19 *require that any revolving fund established with*  
 20 *amounts provided under this subsection shall be used*  
 21 *only to provide low interest loans to Natives of the*  
 22 *Pribilof Islands to assess, respond, remediate, and*  
 23 *monitor contamination from lead paint, asbestos, and*  
 24 *petroleum from underground storage tanks that re-*  
 25 *sulted from National Oceanic and Atmospheric Ad-*



1       *ministration of the Pribilof Islands under the Fur*  
2       *Seal Act of 1966.*

3               “(3) *NATIVES OF THE PRIBILOF ISLANDS DE-*  
4       *FINED.—The definitions set forth in section 101 of the*  
5       *Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply*  
6       *to this section, except that the term ‘Natives of the*  
7       *Pribilof Islands’ shall include the Tanadgusix and*  
8       *Tanaq Corporations.’.*”